
SECTION 3 USE REGULATIONS

3-A BASIC REQUIREMENTS

No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part for any purpose other than for one or more of the uses hereinafter set forth in Section 3-B as permitted in the district in which such building, structure or land is located, or set forth in Section 3-B as permissible by Special Permit in said district and so authorized in accordance with the following notations:

A - Use permitted as a matter of right

SP - Use allowed as an exception under Special Permit as defined by Massachusetts General Laws, Chapter 40A, Section 9, issued by the Board of Appeals as provided hereafter.

SP (1-4) - the number suffixed to "SP" refers to a list of the conditions which must be met before the use may be authorized by the Board of Appeals.

X - Use prohibited.

No building or premises shall be erected, altered or used for any use that will be injurious, dangerous, obnoxious or offensive to people in the general vicinity by reason of the emission of odor, fumes, dust, smoke, vibration, noise, heat, glare, or other nuisances observable at the lot lines or the immediate neighborhood.

Land clearing or clear cutting of trees and excavation, gravel removal, or filling of earth, except as allowed by Section 3E(1)(a) of the Zoning By-Laws of the Town of Walpole, in anticipation of any use permitted or authorized by these Zoning By-Laws, Town By-Laws or rules and regulations of the Town of Walpole or the Planning Board, or laws of the Commonwealth is prohibited prior to issuance of all required approvals, permits, variances, licenses and authorizations. Very limited clearing and excavation is permitted to obtain necessary survey and engineering data or other activities required to secure necessary permits.

3-B SCHEDULE OF USE REGULATIONS

Where an activity might be classified under more than one of the following uses, the more specific classification shall govern, if equally specific, the more restrictive shall govern. Uses not classifiable under any category listed for the applicable district are prohibited except that a use listed nowhere in Section 3-B may be allowed by Special Permit if the Board of Appeals determines that it closely resembles in its neighborhood impact a use allowed or allowed on Special Permit in that district.

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
1. Public, Semipublic Institutional:										
a. Church or other place of worship, parish house, rectory or convent	A	A	A	A	A	A	A	A	A	A
b. Educational Uses	A	A	A	A	A	A	A	A	A	A
c. Library, museum, art gallery, or community building	A	A	A	A	A	A	A	A	A	A
d. Private for profit school	X	X	X	X	X	X	SP3	SP3	SP3	SP3
e. Charitable and philanthropic institutions	A	A	A	A	A	A	A	A	A	A
f. Nursery school or other agency for the day care of children	A	A	A	A	A	A	A	A	A	A
g. Hospital and comprehensive health care system	X	X	SP3	SP3	X	SP3	SP3	SP1	SP1	X
h. Public administration building, fire or police station	A	A	A	A	A	A	A	A	A	SP1
j. Recreational or water supply use of a governmental agency	A	A	A	A	A	A	A	A	A	A
k. Any use of a governmental agency not specifically set forth herein	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1
l. Cemeteries	X	X	X	SP1	SP1	X	X	X	X	X
m. Private Club, Association or Lodge	SP2	SP2	SP2	SP2	SP2	A	A	SP2	SP2	SP2
(but not including any use the chief activity of which is one customarily conducted as a business)										
n. Any commercial recreational uses which go on after dusk or before dawn such as skateboard parks, tennis courts etc.	X	X	X	X	SP1	SP3	SP3	A	A	SP1
o. Any commercial recreational uses that do not go on after dusk or before dawn such as boat or canoe, livery, riding academy or stable, ski grounds, picnic grounds, bathing beach or recreation camp	SP3	SP3	X	SP3	A	SP3	SP3	A	A	SP1
p. Helipoint	X	X	X	SP3	X	X	X	SP3	SP3	SP3
q. Helipoint for emergency hospital and police use but not for commercial use	X	X	X	SP3	SP3	SP1	SP1	SP1	SP1	SP1
r. Residential care continuum provided that	X	SP1	SP1	X	X	X	X	X	X	X
i. all of the facilities are connected or are to be connected with the public sewer system at the time of construction;										
ii. the campus shall be located on a parcel having an area of at least twenty-five (25) acres;										
iii. in determining the number of dwelling units allowed in an independent living facility, seven thousand (7,000) square feet of land shall be provided for each unit;										
iv. a one hundred (100) foot buffer zone shall be required where the property abuts on other residential uses										
s. Restroom and storage facilities, and/or concession stand to be operated by a governmental or nonprofit agency, accessory to a permitted recreational use	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1
2. Agricultural:										
a. Orchard, market garden, nursery or other open use of the land for agricultural production. Special permits and prohibitions for this use shall apply only to parcels of five (5) or less contiguous acres.	A	A	SP1	A	A	SP1	SP1	SP1	SP1	X

		RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
b.	Building or structure used or maintained in connection with a permitted agricultural use of the land, or used for any other purpose of agricultural production. Special permits and prohibitions for this use shall apply only to parcels of five (5) or less contiguous acres.	SP1	SP1	SP1	A	A	SP1	SP1	SP1	SP1	X
c.	Salesroom or stand for the sale of nursery greenhouse garden or other agricultural produce (including articles of home manufacture from such produce), but only where the major portion thereof is raised on the premises or made from produce so raised. Special permits and prohibitions for this use shall apply only to parcels of five (5) or less contiguous acres.	SP2	SP2	SP2	SP2	SP2	A	A	SP1	SP1	X
3. Residential:											
a.	Detached one-family dwelling	A	A	A	A	X	X	X	X	X	X
b.	Two-family detached dwelling if located on a lot having an area of at least twenty thousand (20,000) square feet and if connected to or to be connected at time of construction with the public sewer system	X	X	SP4	X	X	X	X	X	X	X
c.	Three-family detached dwelling if located on a lot having an area of at least thirty thousand (30,000) square feet and if connected to or to be connected at the time of construction with the public sewer system	X	X	SP4	X	X	X	X	X	X	X
d.	Dwelling for occupancy by more than three (3) families provided that:	X	X	SP4	X	X	X	X	X	X	X
i.	such dwelling is connected or is to be connected with the public sewer system at the time of construction										
ii.	such dwelling is located on a lot having an area of at least thirty thousand (30,000) square feet with an additional ten thousand (10,000) square feet for each dwelling unit in excess of three (3) to be accommodated										
iii.	a fifty (50) foot buffer zone shall be required where the adjacent lot has a single-family dwelling or is a vacant lot.										
iv.	wetland districts or flood plain districts will not be considered for the computation of the buildable area of a lot										
e.	The conversion and/or use of a one-family dwelling existing on January 1, 1956, as a dwelling for not more than two (2) families provided that:	SP1	SP1	SP4	SP4	X	SP4	SP4	X	X	X
i.	such dwelling is located on a lot having an area at least fifty (50%) percent larger than the minimum hereafter specified for the construction of a building in the same district;										
ii.	no exterior enlargement is made which, together with any changes made during the preceding five (5) years, increases by more than twenty (20) percent the area of the dwelling;										
iii.	no change is made in the external appearance and general aspect of such dwelling which alters its one-family character, and										
iv.	the lot is able to support two (2) septic disposal systems if not connected to the public sewer system										
f.	The conversion and/or use of a one-family dwelling existing on January 1, 1956 as a dwelling for two families on a lot of not less than twenty thousand (20,000) square feet; provided that such dwelling is connected with the public sewer system	X	X	SP4	X	X	SP4	SP4	X	X	X
g.	The use of a floor other than the ground floor or basement for dwelling units provided that such dwelling unit are or will be connected to the public sewer at the time of construction. In a GR zone the requirements of Section 3-B-3-D must be met.	X	X	SP4	X	X	SP2	SP2	X	X	X
i.	within CBD zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 3.5 times the gross floor area of the ground floor.										
ii.	within B zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 2.0 times the gross floor area of the ground floor										

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
h. Reserved										
j. Bed and Breakfast, or tourist home provided that the building is connected or is to be connected to a public sewer system at the time of construction	X	X	SP2	X	X	A	SP2	X	X	X
k. The use of a portion of a dwelling or of building accessory thereto as the workroom of a resident beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repairman, or other person engaged in a customary home occupation, or as a place for incidental work and storage in connection with his off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener, or similar person provided that:	SP4	SP4	SP4	SP4	X	A	A	A	A	A
i. such use is clearly secondary to the use of the premises for dwelling purposes;										
ii. no trading in merchandise is regularly conducted except for the sale of products made by the resident himself or of parts or other items customarily maintained in connection with and incidental to its performance;										
iii. such use will not have a material adverse effect on the value of the land and buildings in the neighborhood;										
iv. the external appearance and general aspect of the building so used is in conformity with the residential character of the neighborhood;										
v. there is no outside display of goods or products, storage of materials of equipment, or any other outward evidence that the premises is being utilized for any purpose other than residential (except for an accessory sign as hereinafter provided)										
l. The use of a portion of a dwelling or of a building accessory thereto as the office of a doctor, dentist, optician, clergyman, lawyer, architect, engineer or other member of a recognized profession, or as a studio or office of an artist, musician, teacher, real estate or insurance agent residing on the premises subject to the conditions that:	A	A	A	A	X	A	A	A	A	A
i. not more than one person other than residents of the premises is regularly employed thereon in connection with such use;										
ii. there is no outward evidence that the premises is being utilized for any purpose other than residential (except for an accessory sign as hereinafter permitted);										
iii. not more than four (4) persons be gathered at one time for the purpose of being instructed in Rooming House, the renting of rooms or the furnishing of table board in a dwelling to not more than four (4) persons (whether regular or transient)	A	A	A	A	X	A	A	A	A	A
m. The raising or keeping of a small flock of poultry or a saddle horses, livestock, or other animals for private and noncommercial purposes.	A	A	A	A	A	X	X	X	X	X
n. The garaging or maintaining of a total of not more than three (3) motor vehicles (including not more than one commercial vehicle not in excess of two ton capacity), except in the case of a public or agricultural use	A	A	A	A	A	A	A	A	A	A
o. The garaging or maintaining of more than three (3) automobiles or of more than one commercial vehicle, but only where in connection with a permitted main use on the same premises except in the case of an agricultural use	SP1	SP1	SP1	SP1	SP1	SP2	SP1	A	A	A
p. The garaging or maintaining of a trailer or semitrailer (as defined in Chapter 90 Section 1 of the General Laws) more than fifteen (15) feet in length, except for house trailers, motor homes, or recreational trailers, for not more than one (1) month in any consecutive twelve (12) month period	A	A	A	A	A	A	A	A	A	A

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
r. Removal of sod, loam, sand gravel or other earth products from the premises (for sale or otherwise) in connection with the lawful construct on of a building or structure or of a driveway, sidewalk or parking area accessory thereto, or of a street in an approved subdivision, but only where the amount of each such material so removed does not exceed that actually displaced by the portion of the building, structure, driveway, sidewalk, parking area, or street below finished grade. This provision shall be subject to the requirements of Section 3-E.	A	A	A	A	A	A	A	A	A	A
s. Accessory where incidental to a permitted use, including the following: private guest house, caretaker's quarters greenhouse, stable, tool shed, playhouse, tennis court, boathouse or other similar building or structure for domestic storage use	A	A	A	A	A	A	A	A	A	A
4. Business:										
a. Retail sales and services less than 10,000 square feet	X	X	X	X	X	A	A	A	A	SP1
b. Showroom for building supplies (including plumbing, heating and ventilating equipment) with storage limited to floor samples only	X	X	X	X	X	A	A	A	A	A
c. Reserved	X	X	X	X	X	X	X	X	X	X
d. Salesroom for automobiles, boats, trailers, trucks, farm implements or machinery, with repair services (All vehicle storage areas must be paved and be equipped with gas traps. All vehicles will be required to park on paved surfaces)	X	X	X	X	X	SP3	X	SP3	SP3	SP3
e. Bakeries, retail	X	X	X	X	X	A	A	A	A	X
f. Medical and dental laboratories dealing directly with the consumer	X	X	X	X	X	A	A	A	A	A
g. Restaurant or similar place for the serving of food or beverages only to persons inside a completely enclosed building, subject to the condition that no live entertainment is regularly furnished	X	X	X	X	X	A	A	A	A	X
h. Shop of a builder, carpenter, cabinetmaker, caterer, electrician, painter, paperhanger, plumber, sign painter or upholsterer with not more than five thousand (5,000) square feet of floor area per establishment used for work and storage	X	X	X	X	X	A	A	A	A	A
j. Printing or publishing establishment, with no more than five thousand (5,000) square feet of floor area per establishment used for work and storage	X	X	X	X	X	A	A	A	A	A
k. Business or professional office or agency, bank, or other financial institution	X	X	X	X	X	A	A	A	A	A
l. Office of a doctor, dentist, optician, clergyman, lawyer, architect, engineer or other member of a recognized profession not a resident of the premises, or a the studio or office of an artist, musician, teacher, real estate or insurance agent not a resident of the premises or a group of such offices	X	X	SP1	X	X	A	A	A	A	X
m. Funeral parlor or undertaking establishment	X	X	SP1	X	X	A	A	A	A	X
n. Any of the following service establishments dealing directly with the consumer: barber or beauty shop, business or trade school, clothing rental establishment, coin operated or other self-service dry cleaning establishment, collection station for laundry or dry cleaning, dancing or music school, dressmaking or millinery shop, frozen food locker, hand or self service laundry, household appliance repair shop, interior decorating studio, meeting hall for hire, photographic studio, shoes or hat repair shop, typewriter repair shop	X	X	X	X	X	A	A	SP1	SP1	X
o. Hotel or motel	X	X	X	X	X	A	SP2	A	A	X

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
p. Any of the following uses if located in business district which has an overall length of at least one thousand (1,000) feet, measured along the street on which the use has its principal access:	X	X	X	X	X	SP1	SP2	X	X	X
i. outdoor dining area accessory to a restaurant or hotel on the same premises;										
ii. drive-in or stand for the dispensing of food beverages, or goods from inside a building to persons standing or seated outside;										
iii. theater, bowling alley, dance hall or other indoor amusement;										
iv. the regular furnishing of live entertainment at a restaurant or similar place										
q. Any of the following uses:	X	X	X	X	X	SP1	SP2	SP1	SP1	X
i. outdoor dining area accessory to a restaurant or hotel on the same premises;										
ii. drive-in or stand for the dispensing of food, beverages or goods from inside a building to persons standing or seated outside;										
iii. theater, bowling alley, dance hall, or other indoor amusement;										
iv. the regular furnishing of live entertainment at a restaurant or similar place										
r. Outdoor Commercial Amusement, including miniature golf, bumper cars, batting cage, go-cart track, driving range, and similar uses	X	X	X	X	X	SP3	X	SP3	SP3	X
s. Animal or veterinary hospital	X	X	X	X	X	SP3	SP3	SP3	A	SP3
t. Commercial kennel,	X	X	X	X	X	SP3	SP3	SP3	A	SP3
u. Commercial greenhouse	X	X	X	SP2	X	A	A	A	A	X
v. Automobile repair garage or service station	X	X	X	X	X	X	X	A	A	X
w. Automobile parking lots for which a fee is charged and those parking lots not covered by 3-B-4-w	X	X	X	X	X	A	SP1	A	A	SP1
x. Automobile parking area for which no fee is charged, provided that such area is located on a lot in immediate proximity to a nonresidential district	X	X	SP2	X	X	A	A	A	A	SP1
y. Yard sales (household effects) to be held on not more than three (3) occasions during twelve (12) months, each sale to last no more than two (2) days	A	A	A	A	A	A	A	A	A	A
z. Any other retail business or service establishment, provided that such use is similar to the uses specifically permitted in these districts in general character and in effect on adjacent property and improvement (but not including any use first specifically permitted herein in a less restricted district)	X	X	X	X	X	SP2	SP2	A	A	SP1
aa. Accessory use incidental to a permitted main use, including such light manufacturing as is usual in connection therewith, subject to the conditions that:	X	X	X	X	X	A	SP1	A	A	SP1
i. such manufacturing does not occupy an area exceeding fifty percent (50%) of the total floor area occupied by the main use;										
ii. the major portion of any products manufactured are to be sold at retail on the premises, and										
iii. not more than five (5) employees are regularly employed in such manufacturing										
(10,000) square feet										
bb. Retail Sales and Services more than 10,000 square feet but less than 20,000 square feet	X	X	X	X	X	SP3	SP2	A	A	X
cc. Retail Sales and Services greater than 20,000 square feet	X	X	X	X	X	X	X	SP1	SP1	X
dd. Open display of good for sale on the premises accessory to a permitted main use conducted in a completely enclosed building on the same premises, provide that where the open use is readily visible from adjacent property in a residential district, the Board of Appeals shall impose such requirements for screening of such open use during site plan review as are necessary in its judgment to protect such residential property, and further provide that no open display of junk, scrap metal, rags, waste paper or similar used materials be allowed.										

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
i. where total ground area devoted to such open display does not exceed ten percent (10%) of the ground area covered by said building	X	X	X	X	X	A	A	A	A	A
ii. where the ground area devoted to such open display does not exceed more than twenty-five percent (25%) of the ground area covered by the building	X	X	X	X	X	SP2	SP2	A	A	A
iii. where the total ground area devote to such open display exceeds 25 percent of the ground area covered by said building	X	X	X	X	X	X	X	SP1	SP1	SP1
ee. Adult bookstore or adult motion picture theatre, provided that such use is not less than five hundred (500) feet from a residential district, school, religious institution, or day care facility or from any other adult bookstore or adult motion picture theatre or from any establishment licensed to sell alcoholic, wine and malt beverages under the provisions of M.G.L. Chapter 138, Section 12	X	X	X	X	X	X	X	X	X	SP1
ff. Auto Body Repair Establishments for metal crafting, auto body repair, auto body painting, pain spraying or interior customizing cars, trucks, and all types of motorized vehicles.	X	X	X	X	X	X	X	X	X	SP1
5. Wholesale, Industrial:										
a. Wholesale office or showroom with storage limited to floor samples only	X	X	X	X	X	A	A	A	A	A
b. Truck terminal or motor freight station	X	X	X	X	X	X	X	X	SP1	A
c. Warehouse for the covered storage of materials, supplies, equipment, and manufactured products, whether or not produced on the premises	X	X	X	X	X	X	X	A	A	A
d. Open or outside storage of materials, supplies, equipment and manufactured products in a storage yard completely screened from view at normal eye level from any street or any premises	X	X	X	X	X	X	X	A	A	A
e. Coal elevator or gas storage tank, other than as an accessory use	X	X	X	X	X	X	X	X	X	A
f. Plant for bulk storage of petroleum or petroleum products, natural gas, end or propane, provided however, that none of the aforementioned products shall exceed 50,000 gallons of storage capacity (measured by the volume of water that could be stored in the tanks).	X	X	X	X	X	X	X	X	X	SP3
g. Establishment for the repair or storage of boats, trailers, trucks, farm implements or machinery	X	X	X	X	X	X	X	SP1	SP1	A
h. Plant for bulk processing of wood or lumber (such as a sawmill planing mill, or wood preserving plant)	X	X	X	X	X	X	X	X	X	A
j. Shop of a builder, carpenter, cabinetmaker, caterer, electrician, painter, paperhanger, plumber, sign painter or upholsterer with more than five thousand (5,000) square feet of floor area per establishment used for work or storage	X	X	X	X	X	X	SP2	A	A	A
k. Printing or publishing establishment with more than five thousand (5,000) square feet of gross floor area per establishment used for work or storage	X	X	X	X	X	X	X	A	A	A
l. Power laundry, dry cleaning or dyeing works, carpet or rug cleaning plant	X	X	X	X	X	X	X	SP1	SP1	A
m. Research, experimental or testing laboratory other than as an accessory to a permitted use	X	X	X	X	X	X	SP1	A	SP1	A
n. Bakeries, Wholesale	X	X	X	X	X	SP3	SP3	A	A	A
o. Plant for bottling or packaging but not including meat and fish products	X	X	X	X	X	X	X	A	A	A
p. Plant for manufacturing of alcoholic beverages, heavy machinery (such as agricultural, construction, mining or railroad machinery), metal foundry products, or stone products (such as abrasives, monuments)	X	X	X	X	X	X	X	A	A	A
q. Plant for light metal or plastic fabrication or finishing, but not including heavy punch presses or drop hammers	X	X	X	X	X	X	X	A	A	A
r. Plant for manufacturing of electrical or electronic devices, appliances, apparatus, or supplies	X	X	X	X	X	X	X	A	A	A
s. Plant for manufacturing of medical, dental or drafting instruments or equipment optical goods, watches or other precision instruments or equipment	X	X	X	X	X	X	X	A	A	A
t. Plant for manufacturing advertising displays, awnings or shades, beverages (nonalcoholic), brushes, books, candy clothing or other textile products, jewelry, ice, leather goods, textiles, toys or wood, paper, or glass products	X	X	X	X	X	X	X	A	A	A

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND
u. Quarry, sand or gravel pit, or other commercial operations for the extraction and/or processing of earth products (including the processing of materials imported from other premises) provided that the operation does not require the transportation of materials over particular public streets on which undue congestion or hazards will be created, or on which undue injury to the roadway surfaces will be sustained. In authorizing a special permit, the board of appeals may impose conditions related to any or all of those specified in Section 3.	X	X	X	X	X	X	X	X	X	A
v. Accessory use incidental to a permitted main use	X	X	X	X	X	SP1	SP1	A	A	A
w. Any other lawful business, service, storage or light manufacturing use.	X	X	X	X	X	X	X	SP1	SP1	SP1
x. Dwelling, provided that such dwelling is accessory to a permitted main use such as the dwelling of a caretaker, watchman, or operator of a business or manufacturing establishment on the same premises, and subject to the condition that such dwelling conforms to the regulations of this bylaw which would apply if it were located in a GR district	X	X	X	X	X	X	X	SP1	SP1	SP1
6. Miscellaneous:										
a. Sign as permitted in Section 6	A	A	A	A	A	A	A	A	A	A
7. Special Permits										
None of the uses allowed by Special Permit in Section 3-B may be authorized by the Board of Appeals unless and until each item in the appropriate set of conditions is fulfilled.										
a. SP 1										
i. shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.										
ii. shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.										
iii. shall not have a greater lot coverage than allowed in the zoning district in which the premises is located (refer to Section 4- B).										
iv. shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.										
v. shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.										
vi. shall not adversely effect the character of the immediate neighborhood.										
vii. shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.										
b. SP 2										
i. all conditions listed under SP1.										
ii. shall have a buffer zone from residences as required of uses permitted in a Business zone.										
c. SP 3										
i. all conditions listed under SP1.										
ii. shall have a buffer zone from residential districts as required of uses permitted in an LM zone.										
d. SP 4										
i. all conditions listed under SP1										
ii. no buffer zone is required but the board of appeals may require one if in their opinion one is necessary to protect the abutting residences.										

3-C FLOOD PLAIN DISTRICT

(1) Purposes

- (a) To provide that lands in the Town of Walpole, subject to seasonal or periodic flooding as described hereinafter, shall not be used for residence or other purposes in such a manner as to endanger the health, safety or welfare of the occupants thereof, or of the public generally.
- (b) To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town.
- (c) To assure the continuation of the natural flow pattern of the water courses within the Town, in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.
- (d) To protect the Town from the detrimental use and development of land and waters within the Flood Plain District.

(2) Description of Areas Included in Flood Plain

- (a) The Flood Plain delineations are established by elevations of area subject to inundation by 100-year frequency floods, as delineated by the Federal Emergency Management Agency.
- (b) The locations, boundaries and zone designations of the Flood Plain District are shown on a map entitled, "Flood Insurance Rate Map (FIRM), panel 250254 0001-0010" dated November 18, 1988, which is hereby made a part of this by-law and which is on file in the office of the Town Clerk. Said map, together with all explanatory data thereon shall be deemed to accompany, and is hereby made a part of the Zoning By-Law. The explanatory data contained in the "Flood Insurance Study, Town of Walpole, Massachusetts, Norfolk County", dated November 18, 1988, as prepared by the Federal Emergency Management Agency, shall be used in interpretation of the said map, and for such purpose said Flood Insurance Study is hereby incorporated in this Zoning By-Law.
- (c) All that land along any named or unnamed water body or water course for a horizontal distance of fifty (50) feet from the permanent or seasonal banks thereof except as defined on the Flood Plain District Map.
- (d) In any case where a portion of a lot is included in the Flood Plain, the restrictions of the Flood Plain By-Law will apply only to that portion which lies within the Flood Plain and not to that portion outside of the Flood Plain.

(3) Use Regulations

(a) Permitted Uses

The Flood Plain District shall be considered as overlying other zoning districts. The following uses shall be allowed within the Flood Plain District as a matter of right.

- (i) Conservation of water, plants, and wildlife.
 - (ii) Grazing and farming, gardening, nurseries, including truck gardening and harvesting of crops.
 - (iii) Dwellings and structures lawfully existing prior to the adoption of these provisions.
 - (iv) Outdoor recreation, including play areas, nature study, boating and fishing, which is not harmful to the physical environment but excluding buildings and structures.
 - (v) Signs as permitted in the residential district and wildlife management areas.
 - (vi) Foot paths and/or horse paths.
 - (vii) Temporary stands for the sale of the produce grown on the premises as may be permitted by other sections of the Zoning By-Law.
 - (viii) Improvement or repair of any structure in existence at the time of the adoption of this section of the by-law, which is less than fifty percent (50%) of the market value of the structure. Said market value to be determined by the Board of Assessors.
- (b) Uses by Special Permit from the Board of Appeals Subject to the Requirements of Section 4
- (i) Golf courses, municipal, county or state parks (but not amusement parks)
 - (ii) Bicycle paths and/or bridges.
 - (iii) Forestry management, providing stumps are not removed and reforestation takes place by the parties or individual responsible for forestry management.
 - (iv) Wells or other structures necessary for proper functioning of the municipal or private water supplies.
 - (v) Public utilities including sewer, water, gas and electrical systems.

- (vi) Improvement or repair of any structure in existence at the time of the adoption of this section of the by-laws which is in excess of fifty percent (50%) of the market value of the structure. Said market value to be determined by the Board of Assessors.
 - (vii) In case of fire, natural catastrophe or total rehabilitation to structures existing in the Flood Plain District prior to the adoption of these provisions, said structure may be rebuilt to the original size.
 - (viii) Construction and maintenance of dams and other water control devices.
 - (ix) Roadways, driveways and walkways ancillary to uses otherwise permitted by this section.
 - (x) Accessory uses to residential structures shall not be held to the standards of elevation and flood proofing.
 - (xi) Construction of new buildings, structures and related improvements to be used for industrial and manufacturing purposes.
- (c) Excluded Uses
- (i) In the Flood Plain District no new building(s) or structure(s) shall be erected or constructed except as may be permitted in Section 3-C-3-a or b.
 - (ii) No removal, filling, dredging or altering any lake, pond, river, stream, brook, marsh, swamp, bog, meadow or change in grade of any land within the Flood Plain District except as may be permitted in Section 3-C-3-a or b.
 - (iii) No septic tanks or leach fields shall be installed in the Flood Plain District.
 - (iv) No storage of salt, petroleum or any other chemical product shall be allowed, except for normal operating quantities kept in a manufacturing or industrial process carried on in such facility.
- (d) The portion of any lot within the Flood Plain District may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated, provided however, that the conditions of Section 4.C.3.b. "Continuous Buildable Lot Area" have been met.
- (4) Procedure for a Special Permit
- (a) Application to the Board of Appeals for a Special Permit shall be submitted in quintuplicate (5) and shall be accompanied by a plan of the premises in question as required by Section 7 (Site Plan Review), and shall show the following:
- (i) Boundaries and dimensions of the area,
 - (ii) The location, dimensions and mean sea level of the lowest habitable floor, including basement, of existing and proposed buildings and structures thereon and the elevation to which the structure has been flood proofed.
 - (iii) All plans shall show two (2) foot contour intervals, and contours shall be delineated within two hundred (200) feet of the proposed construction.
 - (iv) When neighboring communities are affected by altered or relocated water courses, said communities and the Massachusetts Division of Water Resources shall be notified prior to the commencement of such activity. Submit copies of said notification to the Federal Insurance Administration.
 - (v) All necessary permits required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U. S.C. 1334, have been or are in the process of being obtained.
 - (vi) Any other information as is deemed necessary by the Board of Appeals to indicate the complete physical characteristics of the area and the proposed construction and/or grading thereof.
- (b) Plans shall be prepared by a Registered Professional Engineer or Registered Land Surveyor and shall show and make adequate provisions for the following:
- (i) The protection, preservation and maintenance of the water table and water recharge areas.
 - (ii) The preservation and maintenance of the natural river channel plus sufficient width of overbank areas for the passage of one hundred (100) year flood flows so as not to increase the water surface elevation more than one (1) foot at any point within the community.
 - (iii) The retention of existing floodwater storage capacity.
 - (iv) The design of proposed construction shall be in a manner which ensures anchoring to prevent flotation, collapse and/or movement of the structure.
 - (v) The design of public utilities including sewer, water, gas and electrical systems shall be in a manner which will minimize or eliminate flood damage.
 - (vi) Any new construction or extension of residential structures within Zone A1 to A30, shall have the lowest floor, including basement, elevated to or above the one-hundred (100) year flood level.
 - (vii) Any new construction or extension of residential structures within an AO Zone shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the Flood Insurance Rate Map (FIRM)

- (viii) Any new construction or extension of non-residential structures within Zones A1 to A30 shall have the lowest floor, including basement, elevated to or above the one-hundred (100) year flood level, or, together with attendant utility or sanitary facilities, be designed so that below the one-hundred (100) year flood level, the structure is water-tight.
 - (ix) Any new construction or extension of non-residential structures within an AO Zone shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM, or, together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space is water tight.
 - (x) Provide that where flood proofing is utilized for a particular structure in accordance with paragraphs 4-b-viii or 4-b-ix of this section, a Registered Professional Engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressure, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood level.
 - (xi) Development within Zone A1 to A30 may be permitted if it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the one hundred (100) year flood level more than one (1) foot at any point within the community.
 - (xii) In unnumbered A Zones, in the absence of F.I.A. base flood elevation data, the applicant shall obtain and submit other available data from a Federal, State or other source, as criteria for requiring that any new construction or extension of residential structures, shall have the lowest floor, including basement, elevated to or above the one hundred (100) year flood level and any new construction or extension of non-residential structures shall have the lowest floor, including basement, elevated or floodproofed to or above the one hundred (100) year flood level.
- (c) It shall be the responsibility of the applicant to provide all required data and submit proof that the proposed project is in conformance with Section 3-C-1 (Purposes), and any other applicable sections of this Zoning By-Law.
 - (d) Within ten (10) days after receipt of the application the Board of Appeals shall transmit copies thereof, together with copies of the accompanying plan, to the Board of Health, Planning Board, Engineering Department and the Conservation Commission. Such agencies shall investigate the application and report in writing their recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a written report from the above agencies or until thirty-five (35) days have elapsed without receipt of said report.
- (5) Compliance With Other Statutes
Nothing contained in this section shall excuse compliance with the Wetlands Protection Statutes, General Laws, Chapter 131, Sections 40 and 40A, or any other laws of the Commonwealth of Massachusetts.
 - (6) Severability
If any provision of this section is held invalid the other provisions of this section shall not be affected thereby.

3-D ENCLOSURE OF USES

In a non-residential district, all uses permitted as of right or permissible by Special Permit, and all uses accessory thereto, shall be conducted within a completely enclosed building except the following.

- (1) The dispensing of food, beverages or goods at a drive-in or stand where authorized.
- (2) Accessory outdoor dining areas, where authorized.
- (3) The dispensing of fuels, lubricants or fluids at a garage or service station where authorized.
- (4) Plants growing in the soil.
- (5) Automobile parking lots.
- (6) Exterior signs as hereinafter permitted.
- (7) Exterior lights, if so arranged as to reflect away from streets and from any adjacent premises located in residential districts.

- (8) The open display of goods, products, materials or equipment accessory to a permitted main use as heretofore permitted (refer to line cc of 3-B-4).
- (9) Open storage of materials, supplies and equipment as heretofore permitted (refer to line d of 3-B-5).
- (10) The uses described in Section 3-B-1, lines e, j, k, m, n.
- (11) The use described in Section 3-B-2, line a.
- (12) The use described in Section 3-B-3, lines n, o, p, q, r.
- (13) The uses described in Section 3-B-4, lines q, t, w, x, y.
- (14) The uses described in 3-B-5, lines b, d, e, g, h, u.

3-E EXCAVATION OR FILLING OF EARTH

- (1) Uses not Requiring Special Permits
 - (a) No permit will be required for excavation or filling operations which will involve the excavation or filling of less than one hundred (100) cubic yards of earth per year for a residential use or one hundred fifty (150) cubic yards of earth over the course of one year for a non-residential use, or excavating or filling which will result in less than a one foot (1) change in grade. Said grade change shall be measured over an area not to exceed 10% of the minimum required lot area for the zoning district in which the land is located and at no point shall the change in grade exceed one foot. Fill used must meet the definition of earth in Section 1-C of this By-law;
 - (b) Excavations or filling incidental to the construction of residential buildings for which all other permits have been issued, or installation of walks, driveways, septic systems, swimming pools, or other accessory uses to such buildings and expansion thereto, provided the quantity of materials removed shall not exceed that displaced by the portion of the building or accessory use below finished grade;
 - (c) Excavation in the course of normal and customary horticultural, floricultural or agricultural use of land;
 - (d) All earth material excavated or filled as part of the installation of required improvements of an approved subdivision plan shall be in conformance with the Walpole Subdivision Control Rules and Regulations, and shall be administered by the Walpole Planning Board.
 - (e) Where the excavation or filling of earth is not the principal use, all earth material excavated or filled as part of the Site Plan Review process under Section 7 of the Town of Walpole Zoning By-law shall be regulated by the Walpole Planning Board.
- (2) Uses Requiring Permits
 - (a) Non Commercial Uses

Under the provisions of this paragraph, the Board of Appeals may authorize a Special Permit for, as a temporary use, excavation of earth from the premises, or filling of land where such excavation or filling is not a principal use in Section 3E-2-b of this by-law, provided that the operation:

 - (i) is not injurious or dangerous to the public health or safety or harmful to the amenities of the vicinity of the Town;
 - (ii) does not require the transportation of materials over particular public streets on which undue congestion or hazards will be created, or on which undue injury to the roadway surface will be sustained;
 - (iii) will not result in a change of topography or cover disadvantageous to the most appropriate use of the land; and
 - (iv) will be terminated within a maximum of one (1) year;
 - (v) plan and application submitted to the Zoning Board of Appeals shall include the following requirements:
 - (a) a perimeter plan of the property showing the name of all immediate abutters as taken from the most recent tax lists, and the name and address of the record owner;
 - (b) existing topography based on a current survey showing two (2) foot contours;
 - (c) a topographical map showing finished grades and drainage facilities after excavation;
 - (d) area and limits of work;
 - (e) date of termination;

- (f) method of removal;
- (g) type and location of accessory structure;
- (h) steepness of slopes;
- (i) provisions for temporary and permanent drainage;
- (j) disposition of boulders and tree stumps;
- (k) placement of loam over the area of work;
- (l) planting of the area to suitable cover, including trees and grass;
- (m) hours of operation;
- (n) routes of transporting the material through the Town.

(b) Commercial Uses

This section establishes minimum standards. Other reasonable conditions, requirements, limitations and safeguards may be required by the Zoning Board of Appeals to protect the health, welfare, convenience and safety of the public and to promote the best interests of the neighborhood and the Town of Walpole.

(i) Design

All applications submitted to the ZBA for removal of earthen material shall be accompanied by the following:

- (a) Property completed application form which shall include the following:
 - (1) Estimate of the quantity of earth to be removed from the site;
 - (2) Length of operation (yearly review and renewal necessary);
 - (3) Proposed travel routes;
 - (4) Proposed daily hours of operation;
- (b) A survey and engineering plan property drawn at a horizontal scale of 1" = 40' on tracing cloth by a Registered Professional Land Surveyor six (6) copies of said plan shall be submitted to the ZBA and shall include but not be limited to the following:
 - (1) A perimeter plan of the property showing the names of all immediate abutters as taken from the most recent tax lists, and the name and address of the record owner.
 - (2) Existing topography based on a current survey showing two (2) foot contour intervals.
 - (3) Cross sections taken at 100-foot intervals, the elevation of the existing grade, finished grade and the groundwater elevation.
 - (4) A log of soil borings. The number of borings taken will vary with the size and geological makeup of the site, but shall be a minimum of one (1) per acre. All borings shall be taken to a minimum of six (6) feet below the finished grade.
 - (5) A topographical map showing finished grades and drainage facilities after excavation.
 - (6) All proposed entrance and exit roads.
 - (7) Limits of excavation.
 - (8) Locus plan at a scale of 1" = 1,000 feet.

(ii) Operational Guidelines

- (a) Operation hours, including warm-up and repairs of equipment shall be only between 7 A.M. and 3 P.M. on Monday through Friday, and loaded trucks may leave prescribed premises only within such hours. The frequency of loaded trucks leaving the premises shall be established by the ZBA, based on local conditions as part of the conditions for the Special Permit; but in no case shall it be greater than every three (3) hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
- (b) Access roads shall be constructed at an angle of ninety (90) degrees to the public way. All access roads shall be properly secured during the non-operational hours of the excavating process; and this security will remain in effect until the property has been restored and seeding and planting have begun growth.
- (c) All access roads leading to the public ways shall be treated with cut-back asphalt State Specification MC-2, and applied uniformly to the full width of the roadway at a rate of one (1) gallon per square yard. This application shall be applied for a distance of two hundred (200) feet back from said public ways. Refueling of equipment shall be done on an access road, and the applicant shall provide a plan of what method of disposal is to be used in the event of a spill.
- (d) The permit holder shall be responsible for daily cleaning of spillage on all public ways as a result of operation.
- (e) Limits of excavation shall be set by stakes located every one hundred (100) feet with a minimum of three (3) feet exposed. A vertical control monument shall be installed in a readily accessible location.
- (f) At the end of each working day no disturbed area shall be left at a greater slope than 45°.

(iii) Operations

- (a) Excavations shall not be permitted at an elevation which is lower than the street or below the lowest existing elevation on the site, whichever is higher.
- (b) Limits of excavation shall be determined as follows:
 - (1) When the depth of excavation is five (5) feet or less as measured through the entire width of the cross section, earth may be removed within twenty-five (25) feet of an abutting property line and shall be restored to a 4 to 1 slope.
 - (2) When the depth of excavation is greater than five (5) feet, as measured through the entire width of the cross section, earth may be removed within (50) feet of abutting property lines and land shall be restored to a 6 to 1 slope.
- (c) Active earth removal operation shall not exceed a total of five (5) acres at any one time. Each five (5) acre section shall be restored prior to the beginning of the next five (5) acre section. No trees shall be removed from the next five (5) acre section until the first five (5) acre section has been appropriately restored, but allowing for reasonable access to the next five (5) acre section. A grid showing the order of excavation shall be supplied. The sequence of operation may be changed with the consent of the ZBA.
- (d) Monitoring wells shall be installed and monitored every other week for the duration, beginning December 1st through March 30th. This monitored period shall be done in the season immediately preceding the filing of the application. The maximum depth of the excavation shall be ten (10) feet above the highest water level recorded during this monitored period. These wells shall be a requirement and will be used as a basis for the renewal permit if the operation is not completed within one year. The number and location of monitoring wells shall be determined by the ZBA and the Town Engineer.
- (e) No area shall be excavated so as to cause accumulation of free standing water. Permanent drainage and siltation control shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into streams or ponds.
- (f) All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased.
- (g) Any temporary shelters or building erected on the premises shall be screened from the public view. These structures shall be removed from the premises within thirty (30) days after termination of operation prior to the release of securities.
- (h) No excavation shall be allowed closer than one hundred (100) feet to a natural stream or body of water. Natural vegetation shall be left and maintained on the undisturbed land.
- (i) All debris, stumps and boulders shall be disposed of in an approved location shown on the plan, buried and covered with a minimum of two (2) feet of soil.
- (j) Within thirty (30) days following completion of operation, final grading shall be established and shown on the approved topographical plan.
- (k) Retained subsoil and topsoil shall be re-spread over the disturbed area to a minimum depth equivalent to the depth of topsoil on the site prior to the beginning of the operation as determined by the soil boring data, or to a depth of nine (9) inches compacted, whichever is less. The soil shall be seeded with perennial grass or legume mixture and fertilized or limed in accordance with soil tests to promote the growth of such grass or legume.
- (l) Upon completion of the operation, the land shall be left so that natural storm drainage leaves the property at the original storm drainage points and so that the area of drainage to any one point is not increased.
- (m) An "as-built" plan prepared by a Registered Professional Engineer or Registered Professional Land Surveyor showing all finished grades, depth of loam, drainage facility, location of buried debris, and states that the land conforms with the original plan, shall be prepared and approved by the Building Inspector prior to the release of the performance bond.
- (n) A performance bond of \$5,000 (five thousand dollars) per acre or such other amount as determined sufficient by the ZBA shall be posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of the permit as the Board may impose.
- (o) Existing operations for the Extraction or Processing of Earth Products:

A quarry, sand or gravel pit, or other operation for the extraction and/or processing of earth products (such as a crushing or screening plant) in lawful use on the date of adoption of this by-law may continue unless and until abandoned, or if operating under a prior permit, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment. However, unless specifically authorized by either a prior permit or by a new permit issued under this by-law:

- (1) The depth of any excavation shall not be increased below the grade of the lowest excavated area on the effective date of this by-law.
- (2) The total area of excavation within the parcel shall not be increased by more than fifty percent (50%) over its area on said effective date.

(iv) Authorization

Upon approval of the application for a Special Permit for commercial use under Section 3-E-2-B, the Zoning Board of Appeals may issue a one-year permit, renewable upon request by the applicant and favorable review by the Zoning Board of Appeals.

- (3) The preceding provisions shall not apply to any land by Massachusetts General Laws, Chapter 131 and 41A Wetlands, nor to Flood Plain Districts as defined by Section 3-C-2-B of this bylaw, nor to land lying within Areas 1 and 2 of the Water Resource Protection Overlay District as defined by Section 10 of these By-Laws.

3-F TEMPORARY USES

- a. Temporary or seasonal uses such as Christmas tree sales shall be considered temporary uses and allowed in all commercial districts for a period not to exceed 35 days. A permit for temporary use from the building inspector shall be required. The building inspector may impose conditions to insure that public health and safety issues are served.
- b. In any district, the Board of Appeals may authorize by special permit, a temporary building, structure or use not in conformity with the provisions of this by-law, provided that such use will not be detrimental or injurious to persons, property or improvements in the vicinity and the Town. Such authorization shall not be for more than one year at a time nor be extended over more than a total of three (3) years (whether or not consecutive).

3-G NON-CONFORMING USES

- (1) Continuation
Any lawful building or structure, or use of a building or structure, or land, existing at the time this by-law or any amendment thereto takes effect may be continued although not conforming to the provisions thereof.
- (2) Repair and Restoration of Non-conforming Buildings
Pre-existing, nonconforming structures, or uses may be extended, altered, changed or rebuilt only by Special Permit from the Board of Appeals. Any such rebuilding, change, extension or alteration shall not be more detrimental than the existing nonconforming use to the neighborhood.
Exempted from the requirement for a Special Permit are the following:
 - (a) Alteration, reconstruction, extension or structural change to a nonconforming single or two-family residential structure where such change does not increase the nonconforming nature of said.
 - (b) Interior alteration of any structure which does not change that nature of, nor increase the intensity of, a nonconforming use.
 - (c) reconstruction of a legally nonconforming structure damaged or destroyed by fire or other accidental or natural disaster, if reconstruction is started within twenty-four (24) months and completed within thirty-six (36) months of the damage or destruction and if the structure:
 - (i) retains substantially the form it had at the time of damage or destruction, or;
 - (ii) in any form is within applicable setback requirements and not larger than previously.

(3) Abandonment or Discontinuance

Any nonconforming use or structure which has been abandoned or discontinued, for a period of two (2) consecutive years or more, loses the protection of Section 3-G and shall be required to conform to the current By-Law; except that land used for agriculture, horticulture, or floriculture may be resumed if non-use has existed for not more than five (5) years.

(4) Previously Issued permits

Construction or operation under a building permit must conform to any subsequent amendments of the Zoning By-Law unless the use or construction is commenced within a period of six (6) months after the issuance of the building permit and in cases involving construction, unless such construction is continued through to completion continuously and expeditiously.

(5) Fifty Percent Rule

No extension of a nonconforming use shall be made which increases the total of all floor area plus open ground area of the premises devoted to such uses by more than fifty percent (50%) over the total so devoted at the time the uses first became nonconforming except that the expansion of land for a nonconforming agricultural, horticultural or floricultural use shall be permitted.

3-H SPLIT BOUNDARY LOTS

For lots that are divided by one or more District Zoning Boundary Lines, the following shall apply:

- (1) If that portion of the lot in the zoning district of highest restrictiveness contains at least 80% of the required minimum lot area for said zoning district, then uses permitted in said zoning district shall be allowed for the entire lot area upon Special Permit from the Zoning Board of Appeals. All applicable dimensional requirements shall be calculated as though the lot were entirely within said district.
- (2) Uses permitted in the zoning district of lesser restrictiveness shall be permitted only upon that portion of the lot contained within such district. Such portion of the lot shall conform to all applicable dimensional requirements of said zoning district, and no other portion of the lot may be used to calculate such.

3-I WIRELESS COMMUNICATIONS SERVICES DISTRICT

- (1) The purpose of this section is to establish a district in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare. Specifically, the Wireless Communication Services District has been created to (a) protect the general public from hazards associated with wireless communications facilities and (b) minimize visual impacts from wireless communications facilities on residential districts within Walpole. This section does not apply to satellite dishes and antennas for residential use.
- (2) Description of Areas Included in the Wireless Communications Services District:
 - (a) The Wireless Communications Services District shall include all land owned by the Town of Walpole which is held in the care, custody, management and control of the Board of Selectmen or the Sewer and Water Commission and all land located in Light Manufacturing Districts and Industrial Districts.
 - (b) The Wireless Communications Services District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.
- (3) Use Restrictions: A wireless communications facility (including antennas and accessory structures, if any) may be erected in a Wireless Communications Services District upon the issuance of approval as set forth herein at Section 7, and subject to all of the following conditions:
 - (a) The only wireless communications facilities allowed are free-standing monopoles, with associated antenna and/or panels. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.
 - (b) To the extent feasible, all service providers shall co-locate on a single facility. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

- (c) Any proposed extension in the height, addition of cells, antennas or panels, construction of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the Special Permit.
- (d) New facilities shall be considered by the Zoning Board of Appeals only upon a finding by the Zoning Board of Appeals that existing or approved facilities cannot accommodate the wireless communications equipment planned for the proposed facility.
- (e) In no event shall any facility be located closer than two (2) miles to any other such facility.
- (f) No facility or attached accessory antenna shall exceed sixty (60) feet in height as measured from ground level at the base of the facility.
- (g) All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
- (h) A facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base.
- (i) A facility shall not be erected nearer to a residential lot line than 500 feet.
- (j) Siting shall be such that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. All facilities shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line.
- (k) Wireless communications facilities shall be suitably screened from abutters and residential neighborhoods.
- (l) Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town.
- (m) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (n) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the Sign By-law (Section 6 of the Walpole Zoning By-laws).
- (o) Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- (p) There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
- (q) To the extent technologically feasible, all network interconnections from the facility shall be via land lines.
- (r) Applicants proposing to erect facilities on municipally owned land or structures shall provide evidence of contractual authorization from the Town of Walpole to conduct wireless communications services on municipally owned property.
- (s) Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
- (t) Satellite dishes and/or antenna may be located on structures or may be freestanding.

- (u) Satellite dishes and/or antenna shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
 - (v) Antennas or dishes located on a structure shall not exceed ten (10) feet in height above the level of its attachment to the structure.
 - (w) Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Inspector by the Special Permit holder.
 - (x) All unused facilities or parts thereof or accessory facilities and structures which have not been used for one (1) year shall be dismantled and removed at the owner's expense.
- (4) Procedure for a Special Permit
- (a) All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the applicable application forms for site plan and special permit in compliance with the Walpole Zoning Board of Appeals Application Instructions. In addition to the requirements for Site Plan Review under Section 7 of the Walpole Zoning By-law and the Special Permit Requirements under Sections 3-B(7)(a) and 8-B of the Walpole Zoning By-law, five copies of the following information must be submitted for an application to be considered complete.
 - (i). A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods and all buildings within five-hundred (500) feet of the facility.
 - (ii). A color photograph or rendition of the facility with its antennas and/ or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish or antenna at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.
 - (iii). The following information must be prepared by a professional engineer.
 - (a) A description of the facility and the technical, economic and other reasons for the proposed location, height and design.
 - (b) Confirmation that the facility complies with an applicable Federal and State standards.
 - (c) A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
 - (d) If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - (e) The applicable review and advertising fees as noted in the application guidelines.
- (5) Exemptions
- (a) The following types of wireless communications facilities are exempt from this Section 3-I:
 - (i). Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commissions, provided that (1) the tower is not used or licensed for any commercial purpose, (2) the tower must have a cost or replacement value of less than \$10,000; and (3) the tower must be removed if the use is discontinued for one year.
 - (ii). Facilities used for the purposes set forth in M.G.L. c. 40A, Sec. 3.
 - (iii). Cellular facilities to be located in the Wireless communications Services District which are ground mounted no more than six feet (6') in height, as long as the Building Inspector certifies that the facility is designed to blend in with its surroundings or is adequately screened from adjacent areas.

3-J AGE QUALIFIED VILLAGE

the Zoning Board of Appeals may grant a Special Permit for an Age Qualified Village (AQV) and accessory structures, in all zoning districts listed below in Section 3a subject to the following:

- (1) Objectives - the objectives of the AQV Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens on property maintenance and which minimizes demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.
- (2) Zoning Board Action - The Zoning Board of Appeals shall not grant a Special Permit for an AQV unless it finds that (i) the AQV complies with the purposes of the AQV bylaw as stated in Section 1-7 hereof; (ii) the AQV is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development; (iii) adequate and appropriate facilities will be provided for the proper operation of the AQV; (iv) the AQV use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances; (v) the AQV use would not cause undue traffic congestion in the immediate area; (vi) the AQV responds to the recommendations of Town Boards and Agencies, and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.
- (3) Qualifications - the following qualifications shall apply to all Age Qualified Villages:
 - Zoning District - an AQV shall be located only in Business (B), Central Business (CBD) and Limited Manufacturing (LM) Districts.
 - Tract Qualifications - at the time of granting a special permit by the Zoning Board of Appeals, the property under consideration for an AQV shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least ten (10) acres.
 - Age Qualification - an AQV shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. CH 151B, Section 4, Section 6 and 42 USC Section 3607(b)(2)(c), and in accordance with the same, at least one owner of each unit shall be at least 55 years of age or older and such owner must occupy said unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto.
- (4) Tract Requirements - All AQV Tracts shall meet the following intensity requirements:
 - (a) all of the facilities are connected or are to be connected with the public sewer system at the time of construction.
 - (b) the AQV tract shall have an area of at least 10 acres, and frontage of at least 150 feet.
 - (c) the maximum, total number of dwelling units allowable in an AQV shall be calculated on the basis of one unit per nine-thousand (9,000) square feet of area in the AQV tract.
 - (d) no building in the AQV may be constructed nearer the boundary of the AQV tract than the distance equal to the required yard distances for the underlying district as set forth in the Chart for Schedule of Dimensional Regulations (Section 4-B). A buffer zone of up to 75 feet in depth may be required around the perimeter of the AQV tract. Such buffer zone, if required, shall be in addition to the minimum required yards.
 - (e) the design and placement of buildings, roads, walkways and amenities will be in harmony with the general character of the neighborhood.
 - (f) The maximum lot coverage by structures and other impervious surfaces for the underlying district, as set forth in the Chart for Schedule of Dimensional Regulations (Section 4-B), shall apply to the AQV tract.
 - (g) A site plan shall be submitted for approval to the Planning Board in accordance with Section 7 of this By-Law.
- (5) Building and Dwelling Unit Requirements - the following requirements shall apply to all buildings and dwelling units in an Age Qualified Village:
 - (a) Dwelling units can be attached, or detached as single units, or a combination of these types.
 - (b) Dwelling Units Per Building - no building shall contain more than four dwelling units.
 - (c) Maximum Height - no building constructed in an AQV shall exceed 35 feet in height.

- (d) Maximum Number of Bedrooms - no dwelling unit constructed in an AQV shall contain more than three bedrooms. No more than ten percent (10%) of the total units in an AQV shall have fewer than two bedrooms.
 - (e) Rate of Development - the AQV is exempt from the limitations on the rate of development contained in Section 9 of this By-Law but shall be limited to the lesser of 50% of the approved number of dwelling units or 25 dwelling units per year.
- (6) Additional Physical Requirements - the following requirements shall apply to all Age Qualified Villages:
- 1. Parking - two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages.
 - 2. Private Roads - roads and driveways within an AQV shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine during Site Plan Approval by the Planning Board.
 - 3. Other Facilities - all facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board during Site Plan Approval consistent with applicable provisions of the Zoning By-Law.
 - 4. Project Maintenance - in every AQV there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Walpole shall not be responsible thereof.
7. Enforcement
- 1. In accordance with the provisions of M.G.L. Chapter 40, Section 31, Chapter 40A, Section 7, and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section 3-J, in equity or at law and to recover from the applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.
 - 2. The penalty provisions of these bylaws may be imposed upon the applicant, his general agent, tenant(s), architect(s), contractor(s), or any and all persons having any interest in the development site, including a mechanics lien, mortgage or attachments.
 - 3. All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent such provisions, whether recorded by plan, easement, covenant, or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through their organization.
 - 4. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant or unit owner shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of the special permit, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the alleged violator or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be less than six days later than the date of the stop order. Failure of the town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the zoning bylaw.

3-K ASSISTED AND INDEPENDENT LIVING FACILITY

A facility devoted either solely to assisted living or in combination with independent living as such uses are defined in Section 1-C and M.G.L. ch. 19D and providing at least some of the services described therein may be permitted on special permit by the Board of Appeals in an LM, B or GR zoning district provided the board finds that the assisted living and independent living residences will not have adverse effects which overbalance its beneficial effects for either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to that site. Such a proposal shall comply with these additional dimensional and developmental requirements:

1. The minimum lot size shall be 5 acres.
2. The minimum lot area per Assisted Living Residence unit shall be 10,000 square feet for the first unit and 2,500 square feet for each unit after the first.
3. The minimum front, side and rear yard setbacks shall be 50 feet and the minimum frontage shall be 200 feet.
4. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas.
5. The lot shall neither abut nor be within 750 feet of a functioning railroad, state or federal highway.
6. Two parking spaces shall be provided for every three units of assisted living and one for each bedroom in every unit of independent living.
7. The residences shall be connected to Town water and sewer.